

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No. 2605 of 2017**

- Raj Kumar S/o Keshlal Ghritlahre, Aged About 31 Years R/o Village Nawagaon Mahraji, Thana- Nawagarh District- Bemetara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Thana- Nawagarh, District- Bemetara, Chhattisgarh.

---Respondent

For Applicant	: Shri Samir Singh, Advocate
For Respondent/State	: Shri Bhaskar Pyasi, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****05..6.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.66/2017 registered in Police Station Nawagarh, District-Bemetara, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant submits that the applicant has been arrested on 01.04.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No.695/17 before Chief Judicial Magistrate, Bemetara. The applicant is the first offender, as per the

allegation, 77.760 bulk liters of foreign liquor has been seized from the possession of the present applicant. He further submits that the applicant will not commit any offence in future, he may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and arguments on behalf of the applicant on the basis of huge quantity so seized from the possession of applicant, though fairly submits that Police has not reported any other criminal antecedent about the applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail since two months and five days and the trial may take some time. There is no other criminal antecedent, though quantity of liquor so seized from the applicant is on the higher side, but on due consideration, I am inclined to grant last opportunity to the applicant to live peacefully in the society without committing any crime in future. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- to the satisfaction of the Chief Judicial Magistrate, Bemetara, Chhattisgarh for his appearance before the said trial Court as and when directed till trial.

7. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application

for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

8. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S.- Nawagarh, District-Bemetara, Chhattisgarh in 1st and 3rd Monday of every month at 11.00 am sharp till disposal of said criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
V. JUDGE